

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Adilabad District – Issue of Local Scheduled Tribe Agency Area Certificates - Declared as not local Scheduled Tribe by the Collector & District Magistrate, Adilabad vide Proc.No.C3/5044/2010-12, dated 09.04.2012 - Appeal filed by Sri Rathod Santhosh Kumar S/o.Aliya R/o.Anarpally village of Kerameri Mandal, Kumuram Bheem Asifabad District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 13

Dated: 03-06-2023.
Read the following:-

1. Proceedings No.C3/5044/2010-12, dated 09.04.2012 O/o. the Collector & District Magistrate, Adilabad.
2. Appeal petition filed by Sri Rathod Santhosh Kumar S/o.Aliya R/o.Anarpally village of Kerameri Mandal now in Kumuram Bheem Asifabad District dated 16.8.2022.
3. Govt. Memo.No.1277/TW.LTR/2022-1, dated 03.10.2022.
4. Notice Appeal No.1277/TW.LTR/2013-2, dated 03.10.2022.
5. From the Collector, Kumaram Bheem Asifabad District, letter Rc.No.C2/1141/2019-1, dated 20.10.2022.
6. From Sri Rathod Santhosh Kumar S/o.Aliya R/o.Anarpally village of Kerameri Mandal now in Kumuram Bheem Asifabad District dated 22.10.2022.
7. From the High Court for the State of Telangana at Hyderabad, order in WP.No.600 of 2021, dated 19.09.2022.

ORDER:-

In the reference 1st read above, the Collector & District Magistrate, Adilabad cancelled the Local Scheduled Tribe Agency Area Certificate No.E/213/2005-11, dated nil of Sri Rathod Santhosh Kumar S/o.Aliya R/o.Anarpally village of Kerameri Mandal, Erstwhile Adilabad District now in Kumuram Bheem Asifabad District issued by the Tahsildar, Kerameri Mandal of erstwhile Adilabad District.

2. In the reference 2nd read above, the Appellant Sri Rathod Santhosh Kumar S/o.Aliya R/o.Anarpally village of Kerameri Mandal, Kumuram Bheem Asifabad District has submitted the appeal before the Government under GO.Ms.No.24, TW (LTR.1) Department dated 12.6.2018 contending as follows:

- He is native of Anarpally H/o Devapur village in Kerameri Mandal. His parents/ancestors have been continuously residing in agency villages i.e. prior to 60 years his ancestors lived in Kapri village in Asifabad Mandal of Kumuram Bheem Asifabad District and migrated to Anarpally village for livelihood. Both Kapri and Anarpally are agency villages in the erstwhile Adilabad District and also in the present Kumuram Bheem Asifabad District.
- Considering the above, the Tahsildar, Kerameri has issued him Local ST certificate bearing No.E/213/2005-11, dated - certifying that he is the Agency Area Local ST of Anarpally H/o Devapur agency village.
- He has applied for the post of School Assistant (Biological Sciences) in Teacher's Recruitment Test – DSC 2008 under Agency Area Local ST category and has been provisionally selected vide Hall Ticket No.19112101745.
- During selection process i.e. verification of certificates, the District Collector, Adilabad has cancelled his Agency Area Local ST certificate in Procs.Rc.No.C3/5044/2010-12, dated 09.04.2012 citing failure to prove his continuous residence in the Agency Area since 26.01.1950 as required

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under GO Ms.No.3, dated 10.01.2000 even after submitting copy of Pahani of Devapur village of Kerameri Mandal for the year 1968-69 and copy of voter list for the year 1977. Aggrieved by this, he has filed an Appeal before the Government on 2.2.2013 along with other Appellants viz., Banoth Gopal and Rathod Ramesh which was admitted on 27.2.2013 as C.No.1662/CV.2/2013.

- Government vide DO Lr.No.8949/TW.LTR.2/2016, dated 15.11.2016 of Principal Secretary (Tribal Welfare) has communicated their Appeals instructing the District Collector, Adilabad to constitute an enquiry team with Revenue Divisional Officer and Tahsildar concerned along with two officials of Tribal Cultural Research & Training Institute deputed from the O/o Commissioner of Tribal Welfare, Hyderabad which shall complete enquiry at field level including verification of documentary evidences in a month clearly establishing earliest year of their continuous residence and submit report to the District Collector who in turn shall dispose the Appeals within (6) weeks after receipt of the said report and after affording reasonable opportunity to the Appellants to present their case. It was also specifically mentioned in the DO letter that final orders passed are to be submitted to the Government.
- Accordingly, the team was constituted, conducted detailed enquiry into Agency Area local ST status of the Appellant visiting his native place i.e. Anarpally village on 19.4.2017 and submitted report to the District Collector, Adilabad with the following findings:
 - In the enquiry held at Anarpally village of Karanjivada Gram Panchayat of Kerameri Mandal, the statements of villagers have been recorded wherein they revealed that forefathers of the applicant Rathod Santosh Kumar were living in KHAPRI (Notified) village of Asifabad Mandal migrated from Khapri to Anarpally H/o Devapur nearly 60 years back. Thereafter, the candidate has submitted lagandhari register pertaining to the year 1951 of Kapri (notified) village.
 - Team members proceeded to Khapri on 5.9.2017 and recorded statements of village elders wherein they stated that Sri Hemla Naik was the elder brother of father of applicant and others lived in Kapri (notified) village. Due to fire accident in Kapri village twice, many people migrated to different villages. Applicant's grandfather Rathod Narsing S/o Ranjith and three brothers were also migrated from Khapri village to Anarpalli village of Karanjivada nearly about 60 years back.
 - Verified following documents produced by the applicant:
 - i) Lagandhari register pertaining to the year 1951 of Khapri (notified) village of Asifabad Mandal shows name of elder brother of applicant's father viz., Sri Hemla Naik under Sub-Division No.10 for an extent of acs.6.25 cents.
 - ii) Pahani 1968-69 – Devapur village of Kerameri Mandal- shows name of Sri Narsing S/o Ranjith, grandfather of applicant as cultivator of Sy.No.12/1 PP for an extent of acs.3.00.
 - iii) Voter list of 1977 Khanapur Assembly Constituency – name of Smt.Godanibai W/o Narsing (grandmother of appellant) enrolled at Sl.No.798 under H.No.6-68/243.
 - iv) In the licence issued by Sub-Collector, Asifabad in 1985 to Anarpally village to protect their crops from wild animals, Anarpally village is mentioned as habitation of Devapur village. ITDA Utnoor also established Tribal Welfare Residential High School in Anarpally village.

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- v) Some candidates were appointed to this village for various posts through Local ST certificates e.g., Procs. No.8787/B2/2008, dated 1.12.2017, 1189/12, dated 18.8.2013 in which Sri Badavath Chandra shekar was selected through DSC 2008 as School Assistant (Bio.Sci.) and posted at Government Ashram High School, Anarpally by the District Educational Officer, Adilabad and Shri Jadhav Balaji S/o Gangaram was appointed as SGA and posted at TWPS Bogdaguda SC Anarpally under Spl.DSC 2012 by the Deputy Director (TW) ITDA Utnoor Procg.No.D5/1189/2012, dated 18.8.2013.
 - vi) As per Scheduled Area Part-B Order 1950, Devapur comes under notified village. According to 1968-69 pahani of Devapur village, name of grandfather of candidate was recorded as cultivator of Sy.No.12/1 for an extent of acs.3.00 (Narsing S/o Ranjith).
 - vii) As per Census Report of India 1981 published in the District Census Hand Book, Adilabad, Devapur (notified) village of WankidiTaluq is having nine hamlets including Anarpally.
 - viii) Voter list for the year 1986 clearly shows that Anarpally is the hamlet of Devapur village.
 - ix) Apart from the above, some candidates appointed by the Government in the candidate's village Anarpalli and surrounding villages upto the year 2012. TWPS and MPPS schools list issued by the Mandal Educational Officer, Kerameri also enclosed. Some people got jobs under agency area (Anarpalli) and being paid salaries and agency allowances.
 - x) The allegation that the candidate is not residing in Anarpally village since 40 years and no records available and that the Anarpally village in Kerameri Mandal is a non-notified village, is not true and the same is contrary to the oral and documentary evidences on records as explained above.
- After careful examination and thorough verification of all the oral and documents, the Committee has established that the appellant and his forefathers have been continuously residing in Agency area and the Local ST certificate issued by the Tahsildar, Kerameri bearing No.E/213/2005-11 to the Appellant Sri Rathod Santosh Kumar S/o Aliya R/o Anarpally H/o Devapur (notified) village, is a genuine one.
 - Accordingly, the Revenue Divisional Officer, Asifabad vide his Letter Rc.No.K/287/2017, dated 7.4.2018 submitted report to the District Collector, Kumuram Bheem Asifabad in respect of (11) cases referred to him, wherein against name of appellant at Sl.No.7 reported as "The candidate belongs to Agency Area and the certificate issued by Tahsildar, Kerameri is found correct & genuine".
 - Basing on the above report, the Collector & District Magistrate, Kumuram Bheem Asifabad has submitted report to the Government vide Lr.Rc.No.C2/379/2016, dated 30.4.2018 stating at Sl.No.4 "Rathod Santhosh Kumar S/o Aliya R/o Anarpally village of Kerameri Mandal - the local ST certificate issued is found genuine" and requested the Government to pass suitable orders in the matter. The Collector & District Magistrate, Kumuram Bheem Asifabad vide his Lr.Rc.No.C2/379/2016, dated 18.7.2018 has again requested the Government to issue suitable orders on the Appeal petitions of the (11) candidates of his district as the Government is the competent authority to dispose them.

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- In reply, the Government vide Memo.No.8949/TW.LTR/2016, dated 14.09.2018 has instructed the Collector & District Magistrate, Kumuram Bheem Asifabad to take further action as per the instructions (in respect of all the (11) local ST candidates including the appellant whose cases are found genuine) already issued vide Government Memo.No.8949/TW.LTR/2016, dated 4.7.2018.
- Accordingly, the Collector & District Magistrate, Kumuram Bheem Asifabad has referred their cases to the District Educational Officer, Adilabad vide Letter Rc.No.C2/379/2016-2, dated 17.01.2019 along with the enquiry reports furnished by the Enquiry Committee on genuineness of the Local ST Certificates in respect of 1) Banoth Gopal S/o Bikku R/o Goriyaguda vg of Kerameri Mandal 2) Rathod Ramesh S/o Dudram R/o Temlaguda village of Kerameri Mandal and 3) the appellant Sri Rathod Santhosh Kumar S/o Aliya R/o Anarpally village of Kerameri Mandal to take further necessary action in the matter. In the said letter, the District Collector, Kumuram Bheem Asifabad District has clearly mentioned that the Secretary to Government, Tribal Welfare Department, Government of Telangana instructed to follow instructions of the Government issued in Govt. Memo.No.8949/TW.LTR/2016, dated 04.07.2018 wherein it was stated that as the Local Scheduled Area Tribal Certificates were found genuine as per the re-enquiry conducted by the Enquiry Committee. As per the Government instructions, since the certificates are found genuine by the Enquiry Committee, no further orders are required from the Government. But, the District Educational Officer, Adilabad instead of issuing them appointment orders, has again referred his case to the Project Officer, ITDA Utnoor vide his Lr.Rc.No.B7/B2/12875/2012, dated 6.3.2019 for verification as per GO Ms.No.24, dated 12.6.2018. The Project Officer, ITDA Utnoor has enquired into and decided his case as not genuine and communicated to the Dist. Collector, Kumuram Bheem Asifabad vide Lr.Rc.No.T1/91/2019, dated -12-2019. In turn, the District Collector, Kumuram Bheem Asifabad vide his Lr.Rc.No.C2/1141/2019, dated -12-2019 has requested the District Collector & Chairman, DSC 2008, Adilabad to take necessary action.
- Finally, the District Educational Officer, Adilabad has issued speaking orders through Procs.Rc.No.B7/12875/2009-3, dated 19.12.2019 that in view of DLSC enquiry findings of Project Officer, ITDA Utnoor that the Local ST certificate is not genuine, the appellant plea to consider for the post of School Assistant pursuant to selection to DLSC 2008 duly taking into account the proceedings issued by the Revenue Divisional Officer, Adilabad dated 7.4.2018, is not feasible under mandatory rules.

3. The plea of the appellant is that when once the Collector & District Magistrate, Adilabad has issued orders in Procs.No.C3/5044/2010-12, dated 09.04.2012 cancelling his Agency Area Local ST certificate bearing No.E/213/2005-11 issued by the Tahsildar, Kerameri, the Appeal filed by him before the Government has been remitted back to the Collector & District Magistrate, Adilabad for re-enquiry by constituting team headed by Revenue Divisional Officer and Tahsildar concerned and with two officials of TCR&TI deputed from the O/o Commissioner (TW). Accordingly, the Committee after causing discrete enquiries both documentary and at field level, confirmed genuineness of his local ST certificate as genuine which fact has been reported to the Government by the District Collector through his letters Rc.No.C2/ 379/2016, dated 30.4.2018 and 18.7.2018, but now rejecting his case basing on another enquiry report of Project Officer, ITDA Utnoor as requested by the District Educational Officer Adilabad/District Collector, Adilabad, is not proper and unjust. In support of his claim, the appellant has submitted all relevant documentary evidences.

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4. The appellant has submitted that Government in a similar case i.e. in case of Smt Jadhav Nirmala D/o.Tukaram R/o.Ashepally (v) of Jainoor Mandal have issued orders in GO.Ms.No.16, dated 18.6.2022 of Tribal Welfare (LTR) Department declaring her as agency area local ST candidate of Ashepally village in Jainoor Mandal and also treated her Local ST certificate issued by the Tahsildar, Jainoor, as genuine and valid. Further, in GO Ms.No.22, TW (LTR) Department, dated 09.02.2021 has ALLOWED the Appeal of his cousin sister namely RathodAmbiBai @ JadhavAmbiBai D/o RathodRaju R/o Anarpally (v) of KerameriMandal in Kumuram Bheem Asifabad District declaring her as Local ST of Anarpally agency village and basing on these Government orders, she was also appointed to the post of SGT by the Dist. Educational Officer & Secretary, TRT 2017, Adilabad District vide Procs.Rc.No.B7/951/TRT/2019, dt.08.02.2022 and posted at MPPS Thejiguda, Wankidi Mandal of Kumuram Bheem Asifabad District. Therefore, the Appellant Sri Rathod Santhosh Kumar has prayed to consider and allow his Appeal.

5. In the reference 3rd read above, the Collector & District Magistrate, Kumuram Bheem Asifabad District and the Project officer, ITDA, Utnoor have been requested to submit connected records documents pertaining to the case along with para-wise remarks.

6. In the reference 4th read above, a Notice has been sent to the Appellant to attend for hearing on 22.10.2022 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 22.10.2022.

7. During hearing on 22.10.2022, the Appellant has submitted the copy of the judgement delivered by the Hon'ble High Court for the State of Telangana at Hyderabad in Writ Petition No.600 of 2021 on 19.9.2022. The operative part of the judgement is as follows:

"6. Having regard to the rival contentions and the material on record, it is noticed that the petitioners had applied for and were found successful in the written examination conducted for DSC 2008. The only reason as to why they were not appointed was that the Revenue Divisional Officer had cancelled the caste certificates of the petitioners. Subsequently, after enquiry, the certificates were found to be genuine by the Government. The reason for the delay in rendering decision by the Government in the year 2018 is not attributable to the petitioners, particularly G.O.Ms.No.24 since it was issued in the year 2018 and when this Court had directed the respondents to consider and appoint the petitioners in accordance with the certificates issued by the Government, the District Collector could not have given any directions to order re-enquire into the matter in terms of G.O.Ms.No.24. The case of the petitioners has to be considered as per the extant rules of DSC 2008 and since the certificates of the petitioners were found to be genuine in terms of the rules prior to G.O.Ms.No.24, the case of the petitioners ought to have been considered for appointment.

7. In view thereof, this Court directs the respondents to consider and appoint the petitioners to the post of School Assistants in the light of the certificates found to be genuine by the Government in the year 2018 and appoint them and confer benefits to them on par with the candidates who have been appointed pursuant to DSC 2008 with all consequential benefits such as seniority but without emoluments.

8. The Writ Petition is accordingly allowed. No order as to costs.

9. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed."

8. Upon perusal of the documentary evidences available on record i.e. findings of the team constituted by the Revenue Divisional Officer, Adilabad, Tahsildar, Kerameri and officials of TCR & TI, Hyderabad, reports of District Collector, Kumuram Bheem Asifabad addressed to the Government in Tribal Welfare Department vide letters dated 30.4.2018 & 18.7.2018, instructions of the Government issued in Memos dated 4.7.2018 & 14.9.2018, orders of the Government issued in GO Ms.No.16, dated 18.6.2022 of TW (LTR) Department, GO Ms.No.22, dated 09.02.201 of TW (LTR) Department and having due regard to the judgement delivered by the Hon'ble High Court for the State of Telangana in WP No.600 of 2021, dated 19.9.2022.

9. Government after careful examination of the matter, hereby allow the Appeal filed by the Appellant Sri Rathod Santhosh Kumar S/o.Aliya R/o.Anarpally village of Kerameri Mandal now in Kumuram Bheem Asifabad District treating his Agency Area Local ST Certificate bearing No.E/213/2005-11, issued by the Tahsildar, Kerameri Mandal as genuine and valid duly setting aside proceedings/orders in the following references:

- i) Cancellation orders issued by the District Collector, Adilabad in Procgs.No.C3/5044/2010-12, dated 09.04.2012.
- ii) Letter Rc.No.B7/B2/12875/2012, dated 6.3.2019 of District Educational Officer, Adilabad addressed to the Project Officer, ITDA Utnoor.
- iii) Letter Rc.No.T1/91/2019, dated -12-2019 of Project Officer, ITDA Utnoor.
- iv) Letter Rc.No.C2/1141/2019, dated -12-2019 of Collector, Kumuram Bheem Asifabad addressed to the Dist. Collector & Chairman, DSC-2008, Adilabad.
- v) Procgs.Rc.No.B7/12875/2009-3, dated 19.12.2019 of District Educational Officer, Adilabad.

10. The Collector and District Magistrate, Adilabad and Kumuram Bheem Asifabad Districts shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Kumuram Bheem Asifabad District (By RPAD)
The Collector and District Magistrate, Adilabad District (By RPAD)
Sri Rathod Santhosh Kumar S/o.Aliya R/o.Anarpally village of Kerameri Mandal
Kumuram Bheem Asifabad District (By RPAD)

Copy to:-

The Project Officer, ITDA, Utnoor, Adilabad District. (By RPAD)
(for information & necessary action)

The District Educational Officer, Adilabad District. (By RPAD).
(for information & necessary action)

The District Educational Officer, Kumaram Bheem Asifabad District. (By RPAD).
(for information & necessary action)

The School Education Department, Dr.B.R.Ambedkar Telangana State
Secretariat, Hyderabad.

The Commissioner and Director of School Education,
Telangana State, Hyderabad.

The District Tribal Development Officer (TW)
Kumaram Bheem Asifabad District (By RPAD)

The Tahsildar, Kerameri Mandal, Kumaram Bheem Asifabad District (By RPAD)

The P.S. to Hon'ble Minister for ST Welfare.

The PA to Secretary (TW).

The PA to Special Secretary (TW).

Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.